

HALL COUNTY BOARD OF SUPERVISORS MEETING AUGUST 22, 2006

The Hall County Board of Supervisors met August 22, 2006, by published call in the county board meeting room, 121 South Pine, Grand Island.

CALL TO ORDER - The meeting was called to order by Chairman James Eriksen.

INVOCATION - Invocation was given by Rev. Todd Brown.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was given in unison.

ROLL CALL - Present on roll call were, Scott Arnold Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Robert Rye. Also present was a representative from the *Grand Island Independent* and County Attorney Mark Young.

CONSENT AGENDA – Lancaster made a motion and Jeffries seconded to approve the following by consent agenda:

1. Accept and place on file the minutes from the August 8 meeting
2. 5a Authorized the chair to sign the State maintenance contracts for Nebraska Highway L40C and Nebraska Highway 11
3. Approved the appointment of J. Stewart Karrer as a Stuhrt Operating Board Trustee
4. 12 Placed on file the audit for the Hall County Department of Corrections
5. Tabled taking action on the collective bargaining agreement between Hall County and the communications Workers of America they have not received a copy of the signed contract at this time
6. 24 Place on file the office reports of the Register of Deeds and County Sheriff
7. 25 Placed on file the Hall County Treasurer's Miscellaneous receipts
8. 26 Placed on file communications as received

Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

1a PRESENTATION BY HALL COUNTY CORRECTIONS DEPARTMENT TO COUNTY BOARD – Lancaster stated the DLR Group has provided a memento in recognition of the ground breaking of the new jail facility. Lancaster thanked the Department of Corrections and the Jail Committee for all of their efforts. They were distributed to the board and corrections department members.

DISCUSS AND TAKE ACTION ON REQUEST FROM CITY OF GRAND ISLAND REGARDING A LETTER OF SUPPORT FOR GRANT ASSISTANCE FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND RECYCLING FACILITY- Paul Briseno and Betty Curtis were present. Mr. Briseno explained that they are applying for a grant from the Nebraska Department of Environmental Quality for a recycling collection facility. This grant would be for \$75,000.00 and the facility would be constructed west of the transfer station. There would also be an aluminum recycling center. He showed a map of the proposed location. Arnold questioned what could be disposed of and it was clarified that nothing liquid can be accepted or refrigerant. There will soon be a web

page with additional information. The next collection will be September 10th. They are requesting

Arnold made a motion and Lancaster seconded to send a letter of support for the grant application. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

PUBLIC PARTICIPATI CALLED Chairman Eriksen called for public participation and no one responded.

9 DISCUSS AND TAKE ACTION ON RENEWAL OF INTERLOCAL AGREEMENT FOR SOUTH CENTRAL AREA LAW ENFORCEMENT SERVICES - This is an interlocal agreement between the counties of Adams, Buffalo, Dawson, Hall and the Cities of Grand Island, Hastings and Kearney, that have formed an alliance called SCALES. It promotes cooperation between agencies and shares resources. This agreement is for 5 years and funds are received from each party to support the work. Arnold stated that an example would be the shooting in Hastings where other agencies assisted with the investigation. There is equipment available that they can use that would be cost prohibitive for any single agencies to purchase. The federal government looks favorably on these joint operations and as a result there are sometimes additional grant dollars available.

Arnold made a motion and Lancaster seconded to authorize the chair to sign the agreement. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

10 L DISCUSS AND TAKE ACTION ON RENEW OF LAW ENFORCEMENT CONTRACTUAL SERVICES FOR ALDA, CAIRO, DONIPHAN AND WOOD RIVER - Eriksen stated that Hall County Sheriff Jerry Watson has negotiated these contracts with the other entities every three years. It outlines the extra services for the communities. The amounts may vary but the hourly rate is the same.

Hartman made a motion and Arnold seconded to approve the interlocal agreements and authorize the chair to sign. Jeffries noted that the County has allowed a \$1,500.00 credit for the use of the community water tower for placement of antennas on their towers. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

13 APPROVE RESOLUTION FOR TAX ASKING FOR OUTSIDE ENTITIES – These have been discussed through the budget process.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0063 to determine the final levy authority for the Grand Island Suburban Fire District #3. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0064 to determine the final levy authority for the Wood River Fire District #2. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0065 to determine the final levy authority for the Cairo Rural Fire District #5. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0066 to determine the final levy authority for the Doniphan Fire District #6. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0069 to determine the final levy authority for the Shelton Fire District #3. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0067 to determine the final levy authority for the Hall County Agricultural Society. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to approve Resolution #06 0068 to determine the final levy authority for the Hall County Airport Authority. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

16 COMMENCE AUDIT OF BI WEEKLY PAY CLAIMS AND REGULAR CLAIMS AND ACTION ON CLAIM AUDIT – The board members reviewed the claims.

Jeffries made a motion and Arnold seconded to approve the claims as presented. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

17 DISCUSS AND TAKE ACTION ON INTERLOCAL AGREEMENT BETWEEN GRAND ISLAND LIBRARY BOARD AND HALL COUNTY FOR OPERATION OF BOOKMOBILE – Arnold stated that the library board met last night and presented the proposal that was discussed during the budget session. They proposed to accept the 100% services with a 2% increase each year. There is still discussion on the repair and maintenance of the bookmobile but this will be approved as an addendum later.

Arnold made a motion and Jeffries seconded to approve the interlocal agreement between the Grand Island Library Board and Hall County for the operation of the Bookmobile. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

27 BOARD MEMBER'S REPORTS – Rye – He attended the library board and it is all discussed.

Jeffries – he attended the library board meeting and several budget meetings

Arnold – all reported on

Hartman – no report

Humiston – no report

Lancaster – She stated that there is a memento for Stacy Ruzicka from DLR

Eriksen – He reminded the board members of the noon luncheon and the negotiations at 2:00 p.m.

Held a break.

10:00 A.M. PUBLIC HEARING TO OPEN ROAD TO ISOLATED LANDS – Lancaster made a motion and Jeffries seconded to open the public hearing. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

County Attorney Mark Young stated that this is a hearing to open a road to property that is located on a tract of land located in the East Half of Section 21, Township 10 North. Range 9 West of the Sixth Principal Meridian, Hall County , Nebraska consisting of Lots Two (2) and Land accreted thereto and the Southwest Quarter of the Northeast Quarter, containing 149.02 acres more or less.

This is a public hearing to hear public comment from persons that may be affected by the proposed action. Once the hearing is completed the comments can be reviewed and come back with a recommendation.

Adam apvelka her represents john and patsy ellis one of the owners prepared a brief
packes distribuerd packets tot heboard members
Brief overview petition for the creation denied
Faild to meetin statuatore requiresment
2 will dstry critical wildlife
Cost benefit outweighthe benefitsi by the creation of hf a public road
39-1716 county has made petions to createa public road faild to meeting land land not
be isolated at time of purchase or b or b county did not consent to its isolation interlocal
agreement cones nted to the isolation page E6 all parties that entered iunto the
agreement in Marche 1996 this isa map this land excess land that may be purchased
because of loss of access they consented to loss of access 10 18 1999 was when the
deed was filed county was aware that county was aware that the land was isolated
excerpts april5 2005 motionw as made to deny because of the same reason

#2 enviironment impact road as proposed go through draingage slougs that shouldnot
be broken purpose of agreement wasto protect wildlife

#3 cost benefit analysis county bears responsibility of maintain the road respososing theft and arson have 55 police report that were filed in this are 55 complaints that have been filed in this area would also obstruct a center pivot

391716 amount of use and number of person servered does not warrant the cratio of a public road request that application of a public road be denies

Hartman questioned all of the complaints all filed by John and Patsy ellis and Russell they live the closest

Called for public participataion Jon Rathman Doniphan Nebraska Lamd locked ground need access to get to this alnd for hay and chck the cattle coment on the criminal reports prior to ownership chaingin owned by art seier no complaints started after the gate was locek

Called fpr Dale Benson part owner owner fareset west on proposed road from the original notice and taling with superviros miscommincions between public road and access road economic impastitisthe responsibility of the county valued at higher levelbecauseof the type of soil anythingk to disrtupt that andlower the value would be an ipact to thecounty not bring in tax impce if owned privatelyit would value at76 % of value reciev 2500.00 impcme but value of landwouldbe 490.00 anacre ther is is a wildlife issue cost of maitianthe road need todetermine public road and an access road road only public easement for access road is acced to be farmed cannot see where anything new is neededas far as construction is concerned any consideration would to leave as undisturbed as possible or comeup with another access and be the least invasive to land owners

Jeffries not the puropose of thecounty want tomake as simple and easy as possible will be the same as it is now ominmimun maintenance road mr. Koreger gets in and out same situation only want to gain access to theproperty

Arnold it is on the tax roles and county pays the taxes pay more than we get

Hartman – the type of road nothing more that what is already there would not bother the wildlife do not need to fence the road not the countyeius I ntent to do that need the access

Jeffries comments on theft and valdalism do not want to promote this do not want this toooccur wantto refrain fromthat

Hartman criminal his son drove downthre and luck he did not get oout of the vehicle was confronted police reports not valid
Jeffries intent onlky wantlong term legal access with miim

Steven anches?????? representativeof fish and wildlife use theplatte river channel based on information appears that proposed would dead end and wouldnot connect to south locust that was clarified and concern on the conservation easement that was establiedh fro the cranes with respect tote prposed project the southchannel has bewen used by the snd hills crane and a numberof other waterfowl if the road is fro limteid access it would be a minamalimpac if property in the furure is diwsposed off and used for commercial or industrial that would be an issue

AScott has conservation easement on it already that would limit it he was addressing the part that was eastern 2/3 is covered and western 1/3 is not Arnold the county will not permit building on non public road

Jeffries make one thing clear only want access to the property already a conservation easement that limits 50 years from now someone may have access and not gain access for ag purposes it will be permanent

Daniel Kehmm agrees with whooping crane trust vital area for the birds appropriate habitat for the cranes and could endanger the whooping crane and loss of native prairie could be a concern Jeffries do they interfere now do not if it was public access it could it will not be public access only access to the land questioned if would be gated or posted

No difference that it is now

Hartman can this be built only for access only for public comment that is a good question issues need to be researched what is being discussed the acts will be as a corporate group does the road affect the wildlife now Daniel Kehm stated if gated would not affect the wildlife cannot guarantee that no one will get in there

Hartman no more than there is now if gated

Steve Anchutis encourage that the board consider gating consider installation of a gate

Called for comment Mr. Benson point of agreement suggest that the board and county attorney find if it would be possible to make it a gated road is it possible that the gate moved farther west it would preclude some of the police report issues

Adam Pavelka points of clarification the deed this is for the creation of a public road and Mr. Jeffries Korogers do have access through their land if as lease instructive just continue to allow access that has already been granted trying to keep people from driving down there to see what is going on need to address the wildlife habitat if no road would keep people from driving in.

Hartman give permanent easement on present road if they would give up on the current road would not have to build a road so the people could access the property would have to be permanent if land is sold could be an issue have 2 options permanent easement or a public road if agreement to permanent easement as referred to today good discussion with Mr. Hartman's proposal there would be a way to protect the other interests

Eriksen stated that the intent is to obtain legal access. He stated that he appreciated the comments and this will be referred to the committee for review and come back with a recommendation.

Jeffries made a motion and Lancaster seconded to go out of the public hearing. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Humiston seconded to refer this to the public works committee for consideration and come back with a recommendation. She stated that there is not time frame for this because it may require additional research. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

6. 10:30 A.M. PUBLIC HEARING FOR COMMUNICATIONS TOWER ILLINOIS PCS TOWER AKA GLOBAL TOWER L.L.C. RENEWAL – Lancaster made a motion and Humiston seconded to open the public hearing for Illinois PCS. Arnold, Eriksen, Humiston, Lancaster and Rye all voted yes and Hartman and Jeffries were absent for the vote. Motion carried.

Max Boerson was present and information was included in the packets. This is a renewal for this conditional use permit for a tower. This one is located S29-T09N-R09. He stated that he has not heard of any concern and recommends to approve this for another 5 years.

Discussion was held on the fee that is charged. Jeffries expressed concern that this needs to be changed.

Jeffries made a motion and Arnold seconded to go out of the public hearing for the tower for PCS aka Global. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Jeffries made a motion and Arnold seconded to approve the conditional use permit for PCS Wireless aka Global Tower L.L.C. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster noted that when there is ownership changes the permit should also be changed. This needs to go to the committee and be addressed how this should be handled. The resolutions have not been prepared so these issues could be addressed in the resolution.

7 10:45 A.M. PUBLIC HEARING FOR COMMUNICATIONS TOWER FOR ALLTEL COMMUNICATIONS – Lancaster made a motion and Rye seconded to go into the public hearing for the conditional use permit for Alltel. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Max Boersen stated that this is also a renewal of the conditional use permit for the operation of a tower located at S17-T09N-R12. He stated that he does not have any concerns and would recommend approving this permit for 5 years.

Lancaster made a motion and Humiston seconded to close the public hearing. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

This will also be referred to the conditional use committee for a recommendation.

8 11:00 A.M. GENERAL ASSISTANCE HEARING - County Attorney Mark Young consulted with Ms. Prunty concerning the hearing and if it could be executive session. After discussion he stated that he was comfortable with holding it in open session and deliberations could be in executive session. He called Ms. Prunty to give her presentation.

Joyce Prunty 2324 North Park, Grand Island She submitted a letter to the County Board requesting this to be reviewed. She stated that she is currently waiting for an appeal

hearing for her application for SSI. When her request for the medications was denied she appealed to HHS and it was denied so she is now requesting this hearing

to be covered were denied she concern on medication and for has applied for SSI and was denied but she has appealed and she received notice that the medication was denied it is on a hold she does receive other assistance does not understand why the payment was stopped

Mark your meds that she are to control pain and anxiety would this be life threatening requested to receive documents from the doctor the doctor did offer an alternative medication requested copies of the documentation reopen the hearing

Doctor stated that she is disabled she is waiting on an appeal hearing

Mr. Young called Kathy and June in February 2/2006 meds were approved med filled a benzodiazepine pharmacy call in July approved more than 3,000.00 and attempted find out if the med for life threatening general assistance man 2009 medically necessary life trauma situation insufficient hospitalization institutionalized or she was serviced notice give her 5 days notice she was being terminated need verification that she had appealed does have an appeal and sent information to doctor did not receive determined not life threatening need to look at the information does not show life trauma

HHS recommend that the board deny the appeal initially grant made in error of the meds Discussion on the net was not addressed by HHS at this time .

Called no other comments

Mark Young to make a decision suggested executive session

Jeffries motion to deny the appeal of the general assistance Arnold second discussion based on the opinion from HHS they have knowledge of the case the meds are not life threatening

Lancaster not much choice because of limitations not much option on employment

Vote open motion Humiston no Harman no rest all yes motion carried.

Doctor has address the medication

20 EXECUTIVE SESSION UFCW UNION LITIGATION – EXECUTIVE SESSION PERSONNEL -

Lancaster made a motion and Rye seconded to go into executive session. Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted not. Motion carried.

11:30 a.m. executive session

12:05 Lancaster made a motion and Rye seconded to go out of executive session. It was noted that they board only discussed items #20 the executive session for the union litigation and not item 21.

Lancaster made a motion and Arnold seconded to reconsider item #18 to DISCUSS AND TAKE ACTION ON COLLECTIVE BARGAINING AGREEMENT BETWEEN HALL COUNTY AND COMMUNICATIONS WORKERS OF AMERICA. The contract was

signed and returned. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Lancaster made a motion and Rye seconded to approve the agreement between Hall County and the Communications Workers of America and authorize the Chair to sign. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

19 DISCUSS AND TAKE ACTION ON COLLECTIVE BARGAINING AGREEMENT BETWEEN HALL COUNTY AND PUBLIC DEFENDERS ORGANIZATION – Lancaster made a motion and Arnold seconded to approve the agreement between Hall County and the Public Defenders Organization. Jery janulewica was present and he recommended that the board approve the agreement. . Arnold, Eriksen, Hartman, Humiston Jeffries, Lancaster and Rye all voted yes and none voted no. Motion carried.

Eriksen stated that the following items will be postponed until the next meeting:

21 EXECUTIVE SESSION PERSONNEL

22 DISCUSS AND TAKE ACTION ON PAY SCALES FOR CAPTAINS AND SERGEANTS –

23 DISCUSS AND TAKE ACTION ON APPOINTMENT OF SAFETY DIRECTOR

Meeting adjourned at 12:10 p.m. the next meeting will be September 5, 2006

Marla J. Conley Hall County Clerk